



222 MOUNT AIRY ROAD, SUITE 200  
BASKING RIDGE, NJ 07920  
(P) 908.753.8300  
(F) 908.753.8301

30 WALL STREET, 8<sup>TH</sup> FLOOR  
NEW YORK, NY 10005  
(P) 212.471.0012  
(F) 908.753.8301

WWW.BMG.LAW

**JOHN D. COYLE**  
jcoyle@bmg.law

November 6, 2020

**VIA ECF**

Hon. Andrew T. Baxter, U.S.M.J.  
United States District Court for the  
Northern District of New York  
100 South Clinton Street  
Syracuse, NY 13261

**Re: *Gonzales v. Agway Energy Services, LLC***  
***Civil Action No. 5:18-cv-235 (MAD/ATB)***

Dear Judge Baxter:

The parties jointly write pursuant to Local Rule 7.1(b)(2) to request a telephonic conference with Your Honor to discuss how to proceed following Plaintiff Naomi Gonzales's death on October 16, 2020.

All fact and expert discovery has been completed by the November 4, 2020 deadline, except for the deposition of Naomi Gonzales, which was noticed on July 27, 2020. It had been adjourned and rescheduled multiple times at the request of Plaintiff's counsel due to Ms. Gonzales' various health issues. On October 15, 2020, Plaintiff's counsel confirmed Ms. Gonzales's deposition for November 12<sup>th</sup> and it was cancelled the following day due to her hospitalization.

This letter was originally drafted to request a pre-motion conference regarding Ms. Gonzales' inability to be deposed prior to the class certification deadline of December 4, 2020. However, while jointly working on the pre-motion letter, Plaintiff's counsel learned of Ms. Gonzales' death on November 4<sup>th</sup>.

The parties respectfully request a conference with the Court as soon as possible given the existing deadlines to determine how to proceed. The parties will make ourselves available for a conference call with Your Honor at the Court's convenience.

Respectfully submitted,

*John D. Coyle*

John D. Coyle  
Counsel for Defendant  
Agway Energy Services, LLC

Hon. Andrew T. Baxter, U.S.M.J.

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Respectfully submitted,

/s/ Todd S. Garber

Todd S. Garber  
Counsel for Plaintiff